



Georgia Department of Early Care and Learning

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Nathan Deal
Governor

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Interim Commissioner

MEMORANDUM

To: All Institutions and Sponsors Participating in the CACFP and the SFSP

From: Falita S. Flowers, Nutrition Services Director

Date: August 3, 2017

Subject: Civil Rights Complaint Procedures (V3)

Legal Authority: FNS Instruction 113-1

Cross Reference: DECAL Policy Memorandum, *Requirements for Institutions Providing Civil Rights Training to Frontline Staff*

The purpose of this memorandum is to provide guidance to institutions and sponsors participating in the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP) of Civil Rights Complaint Procedures. The memorandum supersedes previous guidance, *Civil Rights Complaint Procedures*, dated November 12, 2015.

Institutions participating in the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP) are required to be in compliance with Title VI of the Civil Rights Act of 1964. As such, organizations may not discriminate based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Any person has the right to file a discrimination complaint. A Civil Rights Complaint must be based on one of the following:

- Race,
- Color,
- National origin,
- Sex,

- Disability,
- Age, or
- Reprisal or retaliation for prior civil rights activity in any program.

Program complaints of discrimination can be filed by completing the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

The complainant must file the complaint within 180 days from the alleged act of discrimination.

CACFP and/or SFSP complaints of discrimination to Bright from the Start: Georgia Department of Early Care and Learning (DECAL) Nutrition Services may be submitted verbally, by phone, in writing, by e-mail or anonymously. Complaints received shall be forwarded to DECAL's Civil Rights Compliance Officer(s) within five (5) business days of receipt.

Upon receipt of the complaint, the CR Compliance officer will complete the CACFP and/or SFSP Record of Complaint Received form, which documents the following information:

- Date received,
- Complaint received by, name, address and telephone number or other means of contacting the person alleging discrimination,
- Name, address and phone number of the institution, site or office that is accused of the discriminatory practices,
- Owner/Director, of the institution or office that is accused of the discriminatory practices,
- Nature of the incident or action or the aspect of program administration that led to the person to allege discrimination,
- Basis for the alleged discrimination,
 - Refer age complaints to FNS Civil Rights Division (FNS-CRD)*
- Record of Response,
- Record of Action/Follow-up (if applicable), and
- Comments.

Within five (5) business days after receipt of the complaint, DECAL will forward the completed Record of Complaint (and a copy of the original complaint if the complaint was submitted in writing) to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, fax: (202) 690-7442, email: program.intake@usda.gov.

*Please Note: Federal regulations implementing the Age Discrimination Act of 1975 require that **all** complaints alleging violations of the Act be referred for mediation. DECAL will forward all complaints alleging unlawful discrimination on the basis of age, regardless of whether other bases are alleged, to FNS-CRD within 5 working days after receipt. FNS CRD will refer the complaint to the Federal

Mediation and Conciliation Service (FMCS) for mediation within 10 calendar days of initial receipt. DECAL will participate in mediation on a good faith basis to resolve complaints alleging unlawful discrimination on the basis of age, in accordance with 45 CFR § 90 and 7 C.F.R. § 15c(7)(d). The representative designated by DECAL to participate in mediation must be a neutral party. A person named in the complaint is not a neutral party.

All complaints, regardless of the originating office, shall be processed and closed within 90 days of receipt. A decision letter shall be sent to the complainant that contains: the jurisdictional authority, a statement of each allegation and the applicable regulation, if an investigation is warranted, the methodology of how the complaint was investigated and the conclusions. Each letter to complainants will include their appeal rights to the Assistant Secretary for Civil Rights.

DECAL will maintain a copy of any correspondence regarding the complaint for at least four years after the date DECAL is notified that the complaint is closed.

For questions regarding this policy memo, please contact the Nutrition Division Civil Rights Compliance Officers: Falita Flowers at (404) 656-6452 or Sonja Adams at (404) 651-8193.